

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JESSICA JAUCH

PLAINTIFF

vs.

CAUSE NO. 1:15-CV-75-SA-SAA

**CHOCTAW COUNTY and
CLOYD HALFORD, In His
Individual Capacity**

DEFENDANTS

STIPULATED FACTS

1. On February 17, 2011, a confidential informant notified Choctaw County narcotics officers that she purchased narcotics (eight dosage units of an Alprazolam mixture) from Plaintiff.¹

2. On January 24, 2012, a Grand Jury issued a true bill indicting Plaintiff for the sale of eight dosage units of a Schedule IV controlled substance (a mixture containing Alprazolam), arising from the alleged February 17, 2011, drug transaction.²

3. That same day, the Choctaw County Circuit Clerk issued a Capias Warrant mandating the sheriff's department to take Plaintiff into custody.³

4. On April 26, 2012, Starkville Police Department officers stopped Plaintiff while she was driving, and issued her several traffic tickets.⁴ The SPD officers also informed her of an outstanding misdemeanor warrant in Choctaw County.⁵

¹ Exhibit A - Plaintiff's Pre-Discovery Disclosure Information, P5, P8.

² Exhibit A - Plaintiff's Pre-Discovery Disclosure Information, P1.

³ Exhibit B - Choctaw County Circuit Clerk's File, P3-4.

⁴ Exhibit C - Choctaw County Sheriff's Department File, P9; Exhibit D - City of Starkville Uniform Traffic Tickets.

⁵ [Doc. 1], Complaint, P2-3.

5. SPD briefly detained Plaintiff, and Choctaw County deputies then transported her from SPD custody to the Choctaw County Jail.⁶

6. The next morning, Choctaw County deputies served Plaintiff with a misdemeanor warrant and with the January 2012, Capias Warrant.⁷ The Return was promptly filed with the Circuit Court.⁸

7. Several days later, Plaintiff cleared the misdemeanor warrant.⁹

8. While detained on the Capias Warrant, Plaintiff asserted her innocence, and asked jail personnel to take her before a judge so that she could post bail.¹⁰

9. The jail personnel instructed her that they had spoken with the Sheriff and she could not go before a Circuit Court judge until the next term of court, which would be in August 2012.¹¹

10. On July 16, 2012, the Choctaw County Circuit Clerk notified the Choctaw County Public Defender, Joey Hood, Esq., that the Plaintiff's case was set for docket call on July 31, 2012, at 10:00 a.m.¹²

11. Later, on July 24, 2012, Plaintiff consented to name Patti J. Gatlin, her mother, as guardian over Plaintiff's minor child.¹³

⁶ Exhibit B - Choctaw County Circuit Clerk's File, P51.

⁷ Exhibit B - Choctaw County Circuit Clerk's File, P4, P41.

⁸ Id.

⁹ [Doc. 1], Complaint, P3; Exhibit B - Choctaw County Circuit Clerk's File, P40.

¹⁰ [Doc. 1], Complaint, P3.

¹¹ [Doc. 1], Complaint, P3.

¹² Exhibit B - Choctaw County Circuit Clerk's File, P6-7.

¹³ Exhibit B - Choctaw County Circuit Clerk's File, P45-46.

12. On July 25, 2012, Plaintiff was transported to Oktibbeha County and arraigned on an unrelated charge of Possession of a Controlled Substance. Plaintiff was appointed counsel in Oktibbeha County that day and her bail was set at \$10,000 cash or bond. Plaintiff was immediately returned to the Choctaw County Jail from Oktibbeha County

13. On July 26, 2012, Oktibbeha County Sheriff's Department placed a detainer on Plaintiff.¹⁴

14. On July 31, 2012, Plaintiff was appointed counsel, Joey Hood, Esq. The plaintiff waived arraignment, had bail set at \$15,000 cash or bond, and had her trial set for August 20, 2012. That day, Mr. Hood filed for discovery.^{15 16 17}

15. On August 6, 2012, Plaintiff posted bond and was released from custody in Choctaw County.¹⁸

16. Later, on August 20, 2012, Plaintiff was appointed new counsel, Hays Burchfield, Esq., who viewed the State's evidence that allegedly implicated Plaintiff in the sale of a controlled substance.¹⁹ After viewing the evidence, Burchfield concluded that the evidence only showed Plaintiff borrowing \$40 from a friend, and so contacted the Assistant District Attorney ("ADA")

¹⁴ Exhibit B - Choctaw County Circuit Clerk's File, P47; Exhibit C - Choctaw County Sheriff's Department File, P1.

¹⁵ Exhibit B - Choctaw County Circuit Clerk's File, P8.

¹⁶ Exhibit B - Choctaw County Circuit Clerk's File, P10-11.

¹⁷ Exhibit B - Choctaw County Circuit Clerk's File, P10-11, P33-34.

¹⁸ Id.

¹⁹ Exhibit B - Choctaw County Circuit Clerk's File, P36.

assigned to her case.²⁰

17. On August 27, 2012, the ADA met with Plaintiff and Burchfield and viewed the tape.²¹ After viewing the tape, the ADA moved to dismiss the case.²²

18. On January 29, 2013, the Circuit Court of Choctaw County issued its Dismissal Order, thereby dismissing the felony charge against Plaintiff.²³

Respectfully submitted, this the 20TH day of June, 2016.

s/Victor I. Fleitas
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²⁰ Id.

²¹ Id.

²² Exhibit B - Choctaw County Circuit Clerk's File, P36, P39.

²³ Exhibit B - Choctaw County Circuit Clerk's File, P39.

CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants, Choctaw County and Cloyd Halford, in his Individual Capacity, hereby certify that I have this day caused a true and correct copy of the above and foregoing *Stipulation of Fact* to be delivered VIA ECF FILING to the following Counsel of Record:

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DATED this 20th day of June, 2016.

/s/ Daniel J. Griffith
Daniel J. Griffith